

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODRICK TIMOTHY ROBINSON, *a.k.a.*
Timothy Rodrick Robinson,

Plaintiff

v.

Case No. 2:17-cv-12675
District Judge Robert H. Cleland
Magistrate Judge Anthony P.
Patti

RAY SHOLTZ, LAURA MCCORMICK,
YOLANDA BUSH, STEVEN RIVARD,
MARK MCCULLICK, ROBERT VASHAW
ROBERT STONE, SUSAN HAVELKA
and JOHN DOE(S),

Defendants.

**ORDER GRANTING DEFENDANTS' FEBRUARY 19, 2019 MOTION FOR
A PROTECTIVE ORDER TO SEAL DOCUMENTS (DE 31), MOTION TO
SEAL DOCUMENTS (DE 32) and EX PARTE MOTION FOR LEAVE TO
FILE EXHIBIT IN THE TRADITIONAL MANNER (DE 33)**

Judge Cleland has referred this case to me for all pretrial matters. Currently pending before the Court is Defendants Sholtz, McCormick and Bush's February 19, 2019 motion for summary judgment (DE 34), for which two of the nine exhibits were separately filed under seal: **(1)** a Prison Rape Elimination Act (PREA) Investigation (DE 34-3, DE 35 [Exhibit 2]);¹ and, **(2)** a video (DE 34-10,

¹ To be sure, this multi-page exhibit includes a copy of the Step I grievance form in SLF-16-06-0579-17a. (DE 35 at 7.) However, this grievance is already part of the public record. (DE 18-3 at 34, DE 34-2 at 2.)

DE 36 [Exhibit 9]). Defendants concurrently filed three motions related to these sealed exhibits. (DEs 31-33.) *See* E.D. Mich. LR 5.3(b) (“Sealing Items Not Authorized by Statute or Rule”), *Electronic Filing Policies and Procedures* R18(c) (E.D. Mich.).

Upon consideration, Defendants’ motions for a protective order to seal documents (DE 31) and to seal documents (DE 32) are **GRANTED**. The Court is persuaded that sealing the PREA Investigation will “protect the identities of both the accuser and the accused,” and that sealing the video will “protect the confidentiality of the prison’s safety and security capabilities, the Plaintiff and others involved.” (DE 32 at 6-7.) *Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 594 (6th Cir. 2016) (“a court must balance the litigants’ privacy interests against the public’s right of access, recognizing our judicial system’s strong presumption in favor of openness.”).

Finally, Defendants’ *ex parte* motion for leave to file exhibit in the traditional manner (DE 33) is **GRANTED**, as Exhibit 9 is a DVD and “cannot authentically be converted to PDF as required in R18(a).” *Electronic Filing Policies and Procedures* R18(c). Additionally, Defendants are **DIRECTED** to send a judge's copy of the video directly to my chambers (231 W. Lafayette, Room 673, Detroit, MI 48226), no later than **Monday, April 1, 2019**.

IT IS SO ORDERED.

Dated: March 25, 2019

s/*Anthony P. Patti*

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on March 25, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti